

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: Case No. 08 CR 119 (HB)
: - against -
: BIENVENIDO POLANCO,
: :
: NOTICE OF MOTION
: TO WITHDRAW AS
: COUNSEL
Defendant. :
----- X

PLEASE TAKE NOTICE, that upon the annexed affirmation of ISMAEL GONZALEZ, ESQ., and the attached exhibits, the Defense Counsel will move this Court before Honorable Harold Baer, thereof, on June 10, 2008, at 10:30 A.M., or as soon thereafter as counsel may be heard, for an Order granting Motion to Withdraw as Counsel for the defendant.

Dated: New York, New York
June 5, 2008

Respectfully submitted,

/s/
ISMAEL GONZALEZ, ESQ.(IG-9920)
ISMAEL GONZALEZ & ASSOC.
152 West 36th Street, Suite 202
New York, NY 10018
(212) 714-9610

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :
: Case No 08 CR 119 (HB)
- against - :
BIENVENIDO POLANCO, :
: AFFIRMATION
:
Defendant. :
-----X

AFFIRMATION IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

I, ISMAEL GONZALEZ, Attorney for Defendant in the above-captioned matter, hereby affirm as follows:

1. The Defendant, BIENVENIDO POLANCO, does not want to accept the offer set forth by the government.
2. The current offer is a Level 19 with 30 to 37 months in prison. Moreover, Defendant would be allowed to argue sentencing below the guidelines range pursuant to 18 UCS Section 3553(b). I have advised the Defendant to take this offer.
3. Defendant states he wants a new attorney because I am “not doing anything on his behalf and wants to see him go to jail.” He states that I am not representing his best interests. Moreover, Defendant states he is not guilty because he “has not done anything wrong” and wants to go to trial. He states he does not want me to represent him any longer. Moreover, it has been difficult to communicate with the Defendant because of numerous broken

appointments to come to my office. It has been extremely difficult to communicate with him or to get him to come to see me in my office.

4. Defendant does not have sufficient funds to go to trial.
5. We respectfully request the government be given until June 16, 2008 or beyond his date to respond to Defendant's pre-trial motions and that the government's current offer be kept open until appointment or retention of new counsel. Counsel for the government has stated that the offer would expire today, June 5, 2008.
6. Defendant's Constitutional rights will be severely violated if new counsel is not promptly assigned.

Wherefore, I respectfully request that my Motion to Withdraw as Counsel for defendant is granted, and that a public defender or CJA counsel be appointed to Defendant's case immediately.

Dated: New York, New York
June 5, 2008

Respectfully submitted,

/s/
ISMAEL GONZALEZ, ESQ. (IG-9920)
ISMAEL GONZALEZ & ASSOC.
152 West 36th Street, Suite 202
New York, NY 10018
(212) 714-9610

CERTIFICATE OF SERVICE

I, ISMAEL GONZALEZ, ESQ. an attorney and counselor of law, whose office is at 152 West 36th Street, Suite 202, County of New York, State of New York, hereby swear that on the 5th day of June, 2008, I served a copy of the **Notice of Motion (Omnibus) Affirmation, Request for Bill of Particulars and Demand to Produce** upon the following via ECF:

AUSA Adam S. Hickey
United States Attorney's Office
One St. Andrews Plaza
New York, NY 10007

Dated: June 5, 2008
New York, New York

/s/

ISMAEL GONZALEZ, ESQ.(IG-9920)
ISMAEL GONZALEZ & ASSOCIATES
152 West 36th Street, Suite 202
New York, New York 10018
Tel. No. (212) 465-1500